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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,878	06/21/2001	Chng Huang Kiang	017002-019710US	8046
8791	7590	04/06/2004	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD, SEVENTH FLOOR LOS ANGELES, CA 90025			CASTRO, ANGEL A	
			ART UNIT	PAPER NUMBER

2653

DATE MAILED: 04/06/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/887,878

Applicant(s)

KIANG ET AL.

Examiner

Angel A Castro

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This Office Action is in response to Amendment B filed 3/15/04.

1. Applicant's arguments, see page 5, filed 3/15/04, with respect to claims 1-14 have been fully considered and are persuasive. The rejection of claims 1-14 has been withdrawn.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 8-12, 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Hattori et al (U.S. Pat. 6,320,836).

Regarding claims 1 and 10-12, Hattori et al discloses a system that prevents fragments of a disc from escaping from a drive 1 (figures 1-3), the system comprising:

a drive including an opening in a front side of the drive through which a tray 2 for receiving a disc is displaceable; and

a fragment barricade 1a affixed within the drive,

wherein the fragment barricade is positioned within the drive so as to prevent fragments of a disc from escaping from the front side of the drive including the opening.

Regarding claim 3, Hattori et al shows that the drive 1 includes a top enclosure and the fragment barricade 1a is rectangular in plan and mounted within the top enclosure (see figure 1).

Regarding claim 8, Hattori et al shows that the fragment barricade 1a includes a rectangular member operatively positioned along the front side of the drive proximate the opening (figure 1).

Regarding claim 9, Hattori et al shows that the fragment barricade 1a includes an attachment element (shown in figure 1, but not labeled).

Regarding claim 14, Shih shows that the opening is provided in a front side of the housing and the fragment barricade 1a extends beyond a periphery of the opening to prevent fragments from escaping the front side of the housing (see figure 1).

4. Claims 1-2, 4-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Shiomi (U.S. Pat. 6,175,544).

Regarding claims 1 and 10-12, Shiomi discloses a system that prevents fragments of a disc from escaping from a drive (figures 1-18), the system comprising:

a drive including an opening 3A in a front side of the drive through which a tray 5 for receiving a disc is displaceable; and

a fragment barricade 19 affixed within the drive,

wherein the fragment barricade is positioned within the drive so as to prevent fragments of a disc from escaping from the front side of the drive including the opening.

Regarding claims 2 and 13, Shiomi shows that the fragment barricade 19 is fixedly mounted within the drive, the fragment barrier being rectangular in shape and positioned between the disc and a closure member 3 to the opening (see figures 1 and 3).

Regarding claim 4, Shiomi discloses that the drive is a CD-ROM drive (column 6, line 39).

Regarding claims 5-7, Shiomi discloses that the fragment barricade is formed from a hard and flexible material (column 8, lines 24-27).

Regarding claim 8, Shiomi shows that the fragment barricade 19 includes a rectangular member operatively positioned along the front side of the drive proximate the opening (figures 1 and 3).

Regarding claim 9, Shiomi shows that the fragment barricade 19 includes an attachment element 20 (see figure 3).

Regarding claim 14, Shiomi shows that the opening 3A is provided in a front side of the housing and the fragment barricade 19 extends beyond a periphery of the opening to prevent fragments from escaping the front side of the housing (see figures 1 and 3).

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Watanabe et al (U.S. Pat. 6,529,461) discloses a disk apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel A Castro whose telephone number is 703-308-8435. The examiner can normally be reached on Monday through Thursday, 8 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R Korzuch can be reached on 703-305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Angel Castro, Ph.D.